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## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

\* \* \*

DION HARTSFIELD,

Plaintiff,

SHERIFF JOE LOMBARDO, et al.

v.

Defendants.

Case No. 2:15-cv-00736-APG-PAL

## REPORT OF FINDINGS AND RECOMMENDATION

This matter is before the court on Plaintiff Dion Hartfield's failure to comply with the Court's Order (Dkt. #3). Plaintiff filed an incomplete Application to Proceed In Forma Pauperis (Dkt. #1) on April 22, 2015. The Court could not determine whether Plaintiff qualified to proceed in forma pauperis ("IFP") because Plaintiff did not include a copy of his inmate trust account statement with his application as required by 28 U.S.C. § 1915 and Local Rule LSR 1-2. On May 26, 2015, the Court entered an Order (Dkt. #3) denying Plaintiff's IFP Application without prejudice. The Court directed the Clerk of Court to mail Plaintiff a new application and instructed Plaintiff to file the completed IFP application along with a copy of his inmate trust account statement or pay the \$350 filing fee on or before June 25, 2015. Id. at 2. The Order failure to file a completed IFP Application would result in a warned Plaintiff that recommendation to the District Judge that this case be dismissed. Plaintiff has not filed a completed IFP Application, requested an extension of time, or taken any other action to prosecute this case.

Accordingly,

IT IS RECOMMENDED that this action be DISMISSED without prejudice to the Plaintiff's ability to commence a new action in which he either pays the appropriate filing fee in full or submits a completed application to proceed *in forma pauperis*.

IT IS FURTHER RECOMMENDED that the Clerk of the Court enter judgment accordingly.

Dated this 17th day of July, 2015.

UNITED STATES MAGISTRATE JUDGE

## **NOTICE**

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations of a magistrate judge shall file and serve specific written objections together with points and authorities in support of those objections, within fourteen days of the date of service of the findings and recommendations. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's Order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject to the page limitations found in LR 7-4.